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RECORDED TELEPHONE CALL

US DISTRICT COURT FOR
THE WESTERN DISTRICT OF
NORTH CAROLINA - CHARLOTTE DIVISION

JOB No. : 6328645

1 R E C O R D I N G

2 MS. COFFEE: Brian, are you there?

3 MR. MITCHELL: I'm here.

4 MR. YEAGER: Brian.

5 MS. COFFEE: Brady, are you there?

6 MR. YEAGER: I'm here. Thanks, Tammy.

7 Brian, how you doing, bud?

8 MR. MITCHELL: Oh, you know, I've got -- I've
9 had better days. How are you doing?

10 MR. YEAGER: Oh, you know, I'm working away
11 over here like all of us. It's been a crazy year.
12 But I, you know, I can't imagine how you're feeling.
13 And I wanted to just first start by saying I can't
14 thank you enough, you know, for looking out for us and
15 for doing the right thing. I know that had to be a
16 really hard decision to make.

17 But I think it's a testament to your
18 character and who you are that you would, you know,
19 that you would take the stance you did. And I can
20 tell you, talking to Casey and to a couple of the
21 other execs where everybody is really impressed and,
22 you know, just spoke really highly of you for the
23 position you did take.

24 MR. MITCHELL: Yeah, you know, I appreciate
25 those words. And I want to make sure that -- I think

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1 this has been on my mind for several months. It's
2 all just, there's so much more like you guys have no
3 idea. The tip of the iceberg is what you have right
4 now --

5 MR. YEAGER: Oh, boy.

6 MR. MITCHELL: -- in the -- oh, it's -- we
7 won't get into it in this call, but I want you to
8 understand my motivation.

9 MR. YEAGER: Okay.

10 MR. MITCHELL: My motivation is our industry
11 is broken. I've been doing this for 30 years. I used
12 to be friends with everybody.

13 MR. YEAGER: Yeah.

14 MR. MITCHELL: We've competed against deals,
15 we've -- like --

16 MR. YEAGER: Yeah, there was a common, there
17 was a level of respect that you abided by, right?

18 MR. MITCHELL: That's right. It wasn't win
19 at all costs and burn (technical difficulty)
20 competitive guy. I love to win. But you know, as I
21 told Tammy, and I'm not trying to be dramatic, I
22 haven't slept until this morning, past 3:00 in the
23 morning probably in two months.

24 MR. YEAGER: Yeah, I'm sorry to hear that.
25 That's got to have been weighing on you for sure.

1 MR. MITCHELL: Yeah. Yeah, it's just --

2 MS. COFFEE: So, Brady, Brian and I were just
3 talking before you got on the call and I think Brian,
4 maybe, like, if you can walk Brady through the
5 timeline of how this went down, that would be super
6 helpful.

7 MR. YEAGER: Yep. What I was thinking,
8 Tammy, and I totally appreciate that. Brian, one
9 thing I was thinking is, if you're okay with it, I
10 could record this for you just so you have a copy of
11 it, too, just so that you for your own records and you
12 have nothing gets mixed up or misconstrued by any
13 means. I don't want to know anything about Summit. I
14 just would love to know exactly that, like, the
15 timeline of what happened, anything you can tell us
16 about our information.

17 MR. MITCHELL: Yeah, yep. I don't -- so I
18 don't have a problem with it being recorded. I do
19 not, as long as I get a copy of it.

20 MR. YEAGER: Yep, 100 percent. I'll email
21 you a copy to your personal email.

22 MR. MITCHELL: And -- yeah, and I was also
23 going to tell you, and this has been something I've
24 been thinking about for several weeks --

25 MR. YEAGER: Yep, I bet.

1 MR. MITCHELL: -- was to file an affidavit
2 with the Court just on my own.

3 MR. YEAGER: Okay.

4 MR. MITCHELL: So it didn't appear -- I think
5 that -- I think what's going through the minds of
6 people at Summit are --

7 MR. YEAGER: That you're doing this for your
8 own gain --

9 MR. MITCHELL: -- who is this guy, you know?

10 MR. YEAGER: -- or something?

11 MR. MITCHELL: For my own gain.

12 MR. YEAGER: Yeah.

13 MR. MITCHELL: I'm not, like, I have no
14 plans. I haven't even gotten an attorney. I'm not
15 even --

16 MR. YEAGER: Yeah, I read that in your email.
17 Yeah.

18 MR. MITCHELL: -- I'm not even try, like,
19 like, I think the assumptions --

20 MR. YEAGER: Yeah, it's --

21 MR. MITCHELL: -- you know, anyway, but we
22 can -- so, sure. I don't have a problem.

23 MR. YEAGER: What I would say to that, yeah,
24 and Brian, the reason I thought it would be good, too,
25 is I think it could save you time where what will

1 happen is like since we, you and I will have this
2 conversation and then what will happen is, I'll
3 probably have to fill out an affidavit, right, and
4 then both of us will get subpoenaed and have to do
5 depositions.

6 And so I thought if we could just do a
7 recording, they can give that to the Court and both of
8 us agree to be recorded. Washington's a joint state
9 where we both have to agree. And then that will
10 hopefully keep us from having to go sit in a room and
11 be deposed for eight hours. And so --

12 MR. MITCHELL: Yeah.

13 MR. YEAGER: -- I think that will help you
14 and me from that standpoint. But I could -- I totally
15 understand where you're coming from. And anything I
16 can do to help with that down the course of hey, this
17 was forthcoming by you, none of it was, you know,
18 solicited by us, that you did this on your own accord
19 --

20 MR. MITCHELL: Yep.

21 MR. YEAGER: -- with no promises of anything.
22 I, you know, I'm happy to do that for you.

23 MR. MITCHELL: No. Yeah, the only thing I'll
24 ask is once I get the recording, I want to be able to
25 listen to it one time and make sure if I had any

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1 corrections or changes that I can I guess put that in
2 an email just --

3 MR. YEAGER: Sure.

4 MR. MITCHELL: -- to make sure. If that's
5 okay?

6 MR. YEAGER: Yeah, absolutely. I mean, I'm
7 not a lawyer but I think that that's probably fine.

8 So --

9 MR. MITCHELL: Yep.

10 MR. YEAGER: -- I appreciate it, Brian. I
11 know how hard this is for you. And, man, I just, I've
12 been in this business like you for 23 years and you
13 and I have always competed and actually competed
14 against each other in a manner that's respectable.
15 You know, and I've always heard good things about you.
16 And I, you know, so I think, you know, putting myself
17 in your shoes, I can only imagine the weight that it's
18 carrying, especially after today, everything that's
19 going on there.

20 I'm sorry you're going through it, but I'll
21 tell you, you're making -- you're doing the right
22 thing from the standpoint of protecting a company that
23 has 5,000 people. You know? So we really do
24 appreciate what you've -- what you're doing.

25 MR. MITCHELL: Yeah, yeah, well, I guess if

1 you want to hit record, we can fire away.

2 MR. YEAGER: All right. Let's do it. I
3 appreciate it. I'll let you, if you could, just start
4 I guess, you know, obviously Brian Mitchell, Brady
5 Yeager, Tammy Coffee is also listening in.

6 MR. MITCHELL: Yep.

7 MR. YEAGER: Today we're jumping on this call
8 to discuss some of the actions that have occurred at
9 Summit Funding over the last few months by individuals
10 that have previously worked at Movement Mortgage which
11 was Deran Pennington, Matt Scofield, and Chris
12 Shelton.

13 And Brian reached out to us here at Movement
14 in regards to concerns that he had had about them
15 being unlawful and/or having information that was
16 proprietary to us and to our clients that should not
17 have been in their belongings. And so I'm here
18 reaching out to Brian asking him if he could clarify
19 that for us and kind of give us a timeline.

20 MR. MITCHELL: Yeah. And I'm happy to do so,
21 Brady. So there's obviously a lot to the events. And
22 if I pause at any point, I just, it's just because I'm
23 looking at my phone to give some specific dates to be
24 as accurate as possible.

25 MR. YEAGER: Yep, no problem.

1 MR. MITCHELL: But we had started
2 conversations with Deran first. Internally this deal
3 was referred to, and just also for the record, I was
4 terminated this morning by Summit. So to the best of
5 my ability, I don't believe I owe -- and I've been
6 asking their clarification on this for about a week
7 and a half. I take, as an employee, a fiduciary
8 responsibility to do what's in the best interest of
9 the company very seriously. And just to be clear, I'm
10 no longer employed by Summit.

11 I was terminated for sending a disrespectful
12 text message was the reason. So the, you know, and I
13 have all of this document saved, but just generally
14 speaking for this phone call, we started talking with
15 Deran that led to a Zoom call with Deran, Matt and
16 Chris. And, again, this could take three hours. I'm
17 going to consolidate it to what I think the key
18 points.

19 MR. YEAGER: Yep, no problem.

20 MR. MITCHELL: So that led to multiple Zoom
21 calls getting to know each other over Zoom talking
22 about --

23 MR. YEAGER: About when was that, Brian?
24 When did that start?

25 MR. MITCHELL: That I believe was around

1 March.

2 MR. YEAGER: Okay.

3 MR. MITCHELL: And at the time, you know,
4 Deran had said, not the others, that you know, he
5 wanted to put this deal together within, you know, two
6 weeks. And we're like that's never going to happen.
7 But anyway.

8 MR. YEAGER: Okay.

9 MR. MITCHELL: You know, then the
10 conversations continued. Proforma was given to us by
11 Deran. At that point, Matt and Chris I would say
12 weren't as engaged in the dialog and that changed I
13 think when Todd basically put together some offer
14 terms of what the money would look like and these
15 sorts of things. And then all of that, again, was
16 delivered to Deran and then he would disseminate that
17 information out and report back to us as to Chris and
18 Matt's thoughts.

19 He then, we, you know, we then finally -- or
20 Deran had agreed to fly out to Sacramento and the
21 morning of the flight, tickets were booked, plans were
22 arranged, all of that. The morning of the flight, he
23 called and canceled and didn't make the trip and I
24 thought at that point maybe the deal was dead.

25 But he had said, oh, it's something was going

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1 on in Boston. Whatever. And so another conversation
2 between the parties including Deran, Matt and Chris
3 happened and it was decided that we, me, Todd, Chris
4 Ringrose (ph), Robin Levassor (ph) would fly out to
5 Charlotte, which we did. We had a nice dinner with
6 everybody. Again, kind of get to know each other type
7 of situation. The next morning we met all day.

8 MR. YEAGER: With Matt and Chris as well?

9 MR. MITCHELL: Everybody, Deran, Matt and
10 Chris.

11 MR. YEAGER: Okay. Perfect.

12 MR. MITCHELL: Myself, Chris Ringrose and
13 Robin. We met in a hotel like business function room
14 that we had rented. And we, you know, talked about
15 business, we went through, you know, everything that,
16 you know, you would normally talk about. I'm sure
17 you've been in hundreds of those conversations.

18 MR. YEAGER: Uh-huh. Yep, yep, I have.

19 MR. MITCHELL: Nothing -- yeah, in my
20 opinion, nothing wrong with any of that. As the
21 progress seemed to pick up some steam, Todd Schema
22 (ph) in a phone call or two and text messages which I
23 clearly have copies of. And I'll read one of them for
24 you here in a second. Asked me to get Movement
25 Mortgage P&Ls. And I basically just kept telling him

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1 oh, I don't have them. I'll check back with Deran.
2 And I knew he was getting a little frustrated that he
3 didn't have those. And he then sent me a text
4 message. This was Todd to me only. Give me one
5 second here.

6 MR. YEAGER: Yep. And when was this about?
7 What was the date on it if you could?

8 MR. MITCHELL: I'm going to tell you exactly.

9 MR. YEAGER: Okay. Perfect. Thanks.

10 MR. MITCHELL: It's all dated, of course.
11 Excuse me. Oh, boy, lots and lots of pictures on my
12 phone. I apologize. I apologize.

13 MR. YEAGER: You're fine.

14 MR. MITCHELL: So this text message was dated
15 at 8:03 a.m. on Monday, June 5th from Todd to me only.

16 MR. YEAGER: Okay.

17 MR. MITCHELL: And the text reads, "Good
18 morning. Hope you had a great weekend. Did you
19 granulize pricing from the big deal more? And did you
20 receive P&Ls?" This is my response. "Good morning.
21 Weekend was great. Requested it twice from Deran, not
22 received." And then, just for the record, that part
23 was not true. I had not been requesting it from
24 Deran. I had just told Todd that. "I think I need to
25 go to Matt directly. Not sure what access Deran has

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1 anymore. Are you sure you want Movement P&Ls?

2 They're proprietary/confidential docs on Summit
3 servers?"

4 His response, "Not on our servers. Can you
5 maybe set up miscellaneous WhatsApp account and have
6 them text it there?" I did nothing. And of several
7 weeks later, and this is going to take me a second, so
8 I -- please just bear with me.

9 MR. YEAGER: No, you're fine. You're doing
10 great.

11 MR. MITCHELL: Several weeks later, in my
12 inbox from Todd is an email to me and our CFO. And
13 that email said three words, "Please dissect this"
14 with multiple exclamation points. I again did nothing
15 with that. And our CFO -- now, that is the email that
16 I have forwarded to Casey Crawford (ph) that when I
17 looked at it, I said you've got to be kidding me.

18 Every employee is listed. Every wage is
19 listed. Some 9,000 borrowers information on all of
20 their, you know, I don't think there was, you know,
21 like Social Security numbers or those such things.
22 But certainly, margin information, certainly lots of
23 different things that --

24 MR. YEAGER: Proprietary information.

25 MR. MITCHELL: -- we should not -- yeah,

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1 yeah, yeah, let's just cut to the chase, that we
2 should not be looking at.

3 MR. YEAGER: Right.

4 MR. MITCHELL: And so I have an email here,
5 this is dated September 15th. Well, actually, excuse
6 me, I need to go back. Hold on one second here. I
7 have so many emails.

8 MR. YEAGER: No problem. But at that point
9 you knew basically that there was, you know,
10 proprietary information that had been pulled from
11 Movement into Summit's servers and in their
12 possession?

13 MR. MITCHELL: Correct. And our CFO did a
14 bunch of analysis. I called him and I said, "Roy,
15 what are you doing?"

16 MR. YEAGER: Right.

17 MR. MITCHELL: I said, "You can't -- we can't
18 -- you can't -- you shouldn't have this." Like, this
19 is not, you know, not appropriate. And he said,
20 "Well, you know, I don't know. I mean, if Todd wants
21 me to do this, I'm going to do it." And so he --
22 there was a response, I have it somewhere. You know,
23 and -- sorry, I'm scanning through my phone here. So
24 I then sent -- so this goes on before they were hired.
25 Then we hired them. I think you guys are fairly aware

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1 of some things that Linda Plymell (ph) did from --

2 MR. YEAGER: Yep.

3 MR. MITCHELL: -- at least what I've read.

4 So during this process, I was frankly surprised that
5 myself or others weren't more involved. If you're
6 thinking about, we got people we just hired that can't
7 recruit people from Movement, but you got --

8 MR. YEAGER: Right.

9 MR. MITCHELL: -- we weren't that -- anyway.
10 And, you know, Matt was basically -- the process was
11 Matt would hand the candidate off to Todd. Todd would
12 interview the candidate, take a bunch of notes, and I
13 would say hey, guys, if you look at Todd's notes, it
14 says this is a referral from Matt. Like, you can't --
15 and I'm going, guys, you can't do this.

16 MR. YEAGER: Right. There are --

17 MR. MITCHELL: And then where things really
18 got off the rails was Robin, Chris and Matt told me
19 they were all flying to Houston, I believe it was the
20 first weekend of October around the third or fourth or
21 fifth, and they were going to go meet with Bard Evans
22 (ph). And I called Robin, I said, Robin, what are you
23 doing? You can't, like, there's going to be receipts,
24 travel records. Like, at the time, I'm sitting there
25 trying to tell them --

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1 MR. YEAGER: Protect them, uh-huh.

2 MR. MITCHELL: -- these are the things, yeah,
3 these are the things you can't do.

4 MR. YEAGER: Yep.

5 MR. MITCHELL: And basically I'm told, you
6 know, basically shut up. We don't need to hear from
7 you about this anymore. And I'm like, okay, that's
8 interesting. And so the lawsuit was filed --

9 MR. YEAGER: So they held these meetings with
10 Bart there and I'm assuming, do you know if they met
11 with Chris Evans or any of the other people that have
12 since quit and came over?

13 MR. MITCHELL: I am not privy. They stopped
14 -- I -- they stopped sharing --

15 MR. YEAGER: They stopped communicating with
16 you? Yeah.

17 MR. MITCHELL: -- with me, yeah, and so what
18 happened was, en route to Houston, the lawsuit was
19 filed by Movement.

20 MR. YEAGER: Got it.

21 MR. MITCHELL: Our general counsel had an
22 immediate like I said, Scott, I told you this was
23 going to happen. And I started dumping him because he
24 goes, well, this lawsuit is basically meritless. Like
25 I'm not worried about this. And I said, "Scott, have

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1 -- are you paying attention?" And I sent him multiple
2 text messages, multiple emails and the moment he got
3 them he scheduled an emergency meeting with Todd,
4 Chris and myself. And Scott then told Todd, "Todd,
5 you're doing all the things I said we can't do."

6 Because I think at that point Scott probably
7 wasn't monitoring Todd's email or monitoring his
8 phone. He, I think as an attorney, he's told
9 everybody don't go, you know, shoot people with guns
10 and even though we have people out shooting people
11 with guns, he didn't know about it.

12 MR. YEAGER: Right.

13 MR. MITCHELL: So this continued to brew.
14 There's obviously a lot of other things that at some
15 point I know it probably unfortunately in a deposition
16 will have to get into, but I thin what happened in the
17 case that's, well, caused me to lose my job was I sent
18 an email on Wednesday, November 8th. And I'll read it
19 in its entirety. It's not too long.

20 I said, "Scott, I have been following along
21 with the legal filings between Movement Mortgage and
22 Summit via public record searches via Pacer. Although
23 I believe I have not been kept involved purposely or
24 invited to the numerous calls I know have occurred
25 internally, even though DMC" -- which that is our

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1 reference internally to Deran, Matt, and Chris.

2 "Through DMC report to me via HR. I wanted
3 to make sure this made it to your desk for a specific
4 reason. As I know I have discussed with you related
5 to the lawsuit I was involved with most recently, a
6 normal litigation hold notice would have been issued
7 by a GC such as yourself by now. And unless I have
8 missed it, I have not seen anything of the sort.

9 So you are aware, what the attached document
10 sent by Deran to Todd contains and the reason for my
11 email tonight is because of the legal agreements
12 agreed to by Summit in the filings and injunction
13 agreement with Movement Mortgage last week which I
14 have determined to not be in any way accurate by our
15 organization.

16 I have a moral issue with our position of
17 what appears to be at the minimum an omission or most
18 likely a willful obstruction. I am not sure of which
19 yet and I am bringing this to your attention now and
20 seeking your advice. This document which was sent to
21 me by Todd Schema and at his direction 'please dissect
22 this' is actual proprietary information owned by
23 Movement Mortgage.

24 This is not a proforma, but actual
25 consolidated Movement Mortgage results. It includes,

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1 without limitation, every employee's wage information,
2 their income information as well as all loan
3 information on borrowers, loan details, margin
4 information. Basically, the whole enchilada as we
5 would say in Texas.

6 I have had this information in my possession
7 for months and I have lost countless hours of sleep
8 over this. I cannot let another single day go by
9 without getting this out in the open. As an employee
10 of Summit today, I acknowledge my fiduciary duty but I
11 question my moral obligation to report to the Court
12 the proprietary information we have obtained illegally
13 and let the chips fall. Am I overthinking this?
14 Please advise. I look forward to receiving guidance
15 regarding this delicate matter."

16 MR. YEAGER: Well said. So that was
17 basically what you then sent that to Scott and then
18 what was his response to you?

19 MR. MITCHELL: Oh, some sarcastic -- so I
20 don't know if I sent -- and I don't have access to --

21 MR. YEAGER: No, no problem, but as far as
22 you know, then there was no lit hold sent out to
23 anyone?

24 MR. MITCHELL: He dismissed it.

25 MR. YEAGER: Wow.

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1 MR. MITCHELL: No, he basically dismissed me
2 as being a, you know, maybe a lawyer by Google. Like,
3 maybe I sit around at my house and I'm bored and I
4 don't really know what the difference is between right
5 and wrong, and he basically said, you know, in
6 essence, and I'm paraphrasing this.

7 He didn't use these words. This is how I
8 interpreted it. Thanks. Shut up. Please keep doing
9 your job. I've got this handled. I'll make sure at
10 the -- I think he advised me that I didn't understand
11 discovery. I know what discovery is and I know it
12 takes months and months and years sometimes in cases
13 like this. That wasn't the issue that I had. I had
14 an issue with the fact that, frankly, I haven't been
15 able to sleep in several months because I know what
16 we're doing isn't --

17 MR. YEAGER: Yeah.

18 MR. MITCHELL: -- wasn't just an oops, it was
19 intentional.

20 MR. YEAGER: Yeah.

21 MR. MITCHELL: I have -- when Todd went
22 through that and I reported that, I was asked to get
23 on a call with, multiple calls with Robin Levassor,
24 Chris Ringrose and Todd. Although Todd was only on
25 the call for roughly an hour. They basically were

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1 trying to convince me that Todd is a great guy and
2 that he does things for children and he's a super,
3 super ethical guy. And I'm like that's fine. You can
4 -- he in many aspects of his life, I know him to be a
5 very nice guy.

6 However, what they tried to say was that --
7 well, excuse me, what he had said on our call was he
8 had never even looked at that. It was a text. He
9 didn't even remember what it was. And they wanted me
10 to take him at his word. And I knew that to be false.
11 So on the following Saturday, that would be last
12 Saturday, I think that was November 11th, I sent them
13 a text and the text to Robin and Chris, again, my
14 motivation at this point is I'm trying to tell them
15 I'm not just out here trying to ruin Todd's
16 reputation.

17 MR. YEAGER: Right.

18 MR. MITCHELL: I've been trying to get you
19 guys -- and so I sent them a text, a screenshot of an
20 email that Todd sent on September 22nd to me, Mike
21 Beamon (ph) who's our capital markets guy and Roy Malt
22 (ph), our CFO. And I said, "Take a look at this
23 email. Do you think Todd really didn't look at the
24 text?" Or, excuse me, at the documents? It says from
25 Todd to it says Roy. "If you look at Movement P&L,

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1 here are some pointers on how to create it and rules
2 around it."

3 MS. COFFEE: Oh, my God.

4 MR. MITCHELL: We have to charge for actual
5 charges involved. For example, the software fee,
6 charge for training, et cetera. Having the -- anyway,
7 we need to be crystal clear on this model. If it's
8 loosey goosey we will lose. So this --

9 MR. YEAGER: Clearly shows that he read
10 through it and looked at all of the information.

11 MR. MITCHELL: That's correct.

12 MS. COFFEE: It was like a blueprint going
13 forward for Summit, right, Brian?

14 MR. MITCHELL: I mean, listen, I don't want
15 to define "blueprint", but what I'll say is that we
16 were trying to understand. So part of this whole
17 problem is that we have had an issue with our margins
18 being competitively -- being competitive when priced
19 against some prospective branches from Movement. And
20 so we've lowered our margins by --

21 MR. YEAGER: To keep rates competitive?

22 MR. MITCHELL: To keep, yeah, which isn't --
23 there's nothing wrong with that, right?

24 MR. YEAGER: Right.

25 MR. MITCHELL: If your competitors are doing

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1 something, that's fine. But it's clear that he was
2 looking at that document and using it to base the
3 decisions around how we would, you know, move this
4 along and move forward and be able to be competitive.
5 Anyway, there's obviously a lot that has gone on here
6 --

7 MR. YEAGER: Yeah.

8 MR. MITCHELL: -- in the last five months.
9 But I, you know, and again, whenever I have a court
10 order, I will be more than happy. My phone has been
11 backed up to the iCloud every single day --

12 MR. YEAGER: I'm sure.

13 MR. MITCHELL: -- for the last seven months.
14 But I don't know if that answers kind of --

15 MR. YEAGER: It does, Brian, and I mean, it's
16 so helpful to just, you know, paint a picture of
17 what's been going on as we've been in a position of,
18 you know, playing defense ever since, you know, Matt
19 and Chris and Deran decided to leave. Which is
20 unfortunate because we knew these things were going on
21 and we didn't know to what extent the information that
22 had been taken but we knew it was happening.

23 So this really helps us, you know, to put a
24 stop to it. You know, the damages that they're
25 causing, you know, being able to use this information

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1 to navigate approaches with different people. It's
2 unfortunate but we really appreciate you helping out
3 and stepping in and doing the right thing. Anything
4 else that you can think of from a standpoint of, you
5 know, just Matt and Chris from a standpoint of --
6 because they are under non solicits and so I mean, to
7 me, they were clearly, I mean, the emails I've seen,
8 the conversations I've had with people, they're
9 clearly recruiting. They haven't stopped.

10 And that's the one other thing. So that
11 would be one question I had for you, just anything you
12 could provide around the two of them and their
13 recruiting efforts. And then also the fact that, you
14 know, I do know that they signed, you know, court
15 documents attesting that they hadn't taken information
16 and they weren't doing these things. So I feel like
17 even, you know, finding this out after they had signed
18 those things really puts them in a bad place.

19 MR. MITCHELL: Yeah, I don't -- so I have no
20 knowledge of anything that Chris or Matt -- I have no,
21 I have had no, zero, let me be very clear because I
22 know I'm making some serious allegations. I've had
23 zero documents or knowledge of them having
24 confidential Movement Mortgage documents.

25 MR. YEAGER: Okay.

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1 MR. MITCHELL: Our -- I have not. Okay?
2 Your statement would be more than accurate that they
3 are actively soliciting and have been, you know,
4 Movement, I don't know when they signed that document
5 and I've been pretty much, you know, ground to silence
6 here in the last several weeks.

7 MR. YEAGER: Yeah.

8 MR. MITCHELL: So it could be that they are
9 abiding by it. I'm not sure. And I think that that
10 has been on, you know, on purpose. And so I don't
11 want to -- I have assumptions in my head but they're
12 not facts. And the only thing I'm going to say right
13 now are things that I know are 100 percent --

14 MR. YEAGER: Yep, appreciate that.

15 MR. MITCHELL: -- factual. Yeah.

16 MR. YEAGER: No, I think that's great, Brian,
17 and I think this is a good start. Really appreciate
18 it. It helps us tremendously. And we're going to --

19 MR. MITCHELL: Sure.

20 MR. YEAGER: -- you know, I really
21 appreciate, again, you doing the right thing. What
22 I'll do is I'll get this back to you. What's the best
23 email for you, Brian?

24 MR. MITCHELL: bmitchell98033@gmail.com.

25 MR. YEAGER: Kirkland.

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1 MR. MITCHELL: Yeah. I think we're
2 neighbors.

3 MR. YEAGER: We are.

4 MR. MITCHELL: Yeah.

5 MR. YEAGER: All right, Brian. Listen, I
6 will email this over to you. And you, I'm sorry, you
7 said at Gmail, right?

8 MR. MITCHELL: That's correct.

9 MR. YEAGER: Perfect. Okay. I'll get this
10 over to you shortly. If you want to give it a listen.
11 It's about 30 minutes long.

12 MR. MITCHELL: Yep.

13 MR. YEAGER: And then just send me a response
14 with you feel good that I can forward this on.

15 MR. MITCHELL: Yep.

16 MR. YEAGER: I'll get it over to our general
17 Counsel. He will probably then, you know, I'm
18 assuming write something up and get it over to the
19 Court so that they can begin to move forward from
20 there. But, you know, again --

21 MR. MITCHELL: Yeah.

22 MR. YEAGER: -- I feel for you. I know you
23 did the right thing here. We've been recruiting and,
24 you know, taking being a part of, you know,
25 acquisitions and mergers and different types of groups

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1 moving over the years and there's a way to do it right
2 and legally and there's a way to do it wrong. And I
3 just think you have the experience to be able to tell
4 the difference between the two and I think that some
5 of these gentlemen did not. And whether that's
6 because they've never gone through one, that could be
7 the case. But, boy, it's crystal clear to me that
8 they did not follow the right path. So I appreciate
9 you stepping in and doing the right thing.

10 MR. MITCHELL: Yeah, no problem. I'm happy
11 to help. Like I said, I don't know if it was
12 recorded, you know, before, but listen, just so
13 everyone is clear, wherever this goes, my motivation
14 is quite simple. It's very, very clear in my mind
15 what's right and wrong and this, what I have been
16 asked to do in order to continue working at this
17 company is -- anyway, I'll stop. I don't need --
18 anyway, I appreciate your time and I'll look for the
19 email and --

20 MR. YEAGER: Yeah, and Brian, if you want to
21 give me a call later, too, to chat, feel free to.
22 You've got my cell.

23 MR. MITCHELL: Okay.

24 MR. YEAGER: So we can chat later if you want
25 to. But I appreciate all, everything today. Tammy,

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1 thank you as well.

2 MS. COFFEE: Sure.

3 MR. MITCHELL: All right, guys.

4 MR. YEAGER: Okay. Thanks so much.

5 MS. COFFEE: All right. Thanks, guys.

6 MR. MITCHELL: Talk to y'all soon. Thank
7 you.

8 MS. COFFEE: Bye.

9 MR. MITCHELL: Yep, bye.

10 (Recording ends.)

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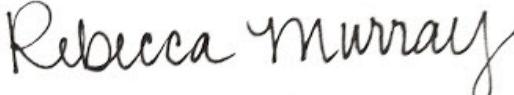
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1

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3 I, REBECCA MURRAY, do hereby certify that
4 this transcript was prepared from the digital audio
5 recording of the foregoing proceeding, that said
6 transcript is a true and accurate record of the
7 proceedings to the best of my knowledge, skills, and
8 ability; that I am neither counsel for, related to,
9 nor employed by any of the parties to the action in
10 which this was taken; and, further, that I am not a
11 relative or employee of any counsel or attorney
12 employed by the parties hereto, nor financially or
13 otherwise interested in the outcome of this action.

14 
15

16 REBECCA MURRAY
17
18
19
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23
24
25

[100 - boston]

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